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January 23, 2023

Via CM/ECF

Hon. Peter G. Sheridan
United States District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State St.
Trenton, NJ 08608

**RE: *Association of New Jersey Rifle & Pistol Clubs, Inc. v. Platkin*,
No. 18-cv-10507; *Ellman v. Platkin*, No. 22-cv-4397;
Cheeseman v. Platkin, No. 22-cv-4360.**

Dear Judge Sheridan:

Pursuant to Fed. R. App. P. 28(j) and in support of Defendants' Motion for Consolidation (Dkt. 128), we write to notify the Court of recent filings in two related cases, *Miller v. Bonta*, No. 19-1537 (S.D. Cal.) and *Duncan v. Bonta*, No. 17-1017 (S.D. Cal.), which illustrate the significant overlap in historical evidence presented in challenges to large-capacity magazine (LCM) and assault-weapons restrictions.

In *Duncan*, plaintiffs challenge California's law restricting possession of large capacity magazines. *See* Compl. at 17-19, Dkt. 1, *Duncan*. In *Miller*, plaintiffs challenge California's law restricting possession of assault weapons. *See* First



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Amended Compl. at 41, Dkt. 9, *Miller*. While none of the parties in either case have moved for consolidation, the two cases are related and before the same judge.

On December 12, 2022, the court in both cases ordered the parties to submit “a survey or spreadsheet of relevant statutes, laws, or regulations ... begin[ing] at the time of the adoption of the Second Amendment ... through twenty years after the Fourteenth Amendment.” Dkt. 161, *Miller*; Dkt. 134, *Duncan*.

On January 11, 2023, the defendants submitted a spreadsheet of the relevant laws, citing the same 191 statutes and regulations in both cases. Dkt. 163-1, *Miller* (**Exh. A**); Dkt. 139-1, *Duncan* (**Exh. B**). These near identical submissions illustrate the significant overlap in historical evidence presented in LCM and assault-weapons challenges, further demonstrating the need for consolidation. Indeed, that submission is consistent with their prior filings in those cases, which involved eight overlapping expert declarants. *Compare* Supp. Br., Dkt. 137, *Miller*, with Supp. Br., Dkt. 118, *Duncan*. As argued in State Defendants’ briefing on this motion, consolidation would avoid the parties submitting and the court having to evaluate such duplicative evidence. Dkt. 128-3, *ANJRPC*, at 10-11; Dkt. 141, *ANJRPC*, at 6.

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Respectfully submitted,

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